UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,367	03/09/2001	Michael E. Last	LMTT-03	8322

826   7590   11/17/2004

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EXAMINER
MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/802,367	LAST, MICHAEL E.
	Examiner	Art Unit	NW
	Jan Mooneyham	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 August 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>15,16,18,20 and 31-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>15,16,18,20 and 31-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on August 27, 2004, wherein:

Claims 15-16, 18, 20, 31-60 are currently pending;

Claims 1-14, 17, 19, 21-30 have been cancelled;

Claims 31-60 have been added;

Claims 15-16, 18 and 20 have been amended.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on August 27, 2004 is being

considered by the examiner.

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 15-16, 18, 20, 31-32, 34-37, 39-42, 44-47, 49-52, 54-57, and 59-60 are rejected

under 35 U.S.C. 102(a) as being anticipated by www.linkstime.com (hereinafter referred to as

Linkstime).

Referring to Claim 15:

Linkstime discloses a method of posting available golf tee times by a golf course to a tee time reservations hub so that prospective golfers may access updated tee time availability information, the method comprising the steps of:

at the tee time reservations hub, receiving via a communications network a web page request from a web browser of a computer associated with said golf course (pages 1-28, retrieved via the Internet Explorer from the Internet Archive Wayback Machine)(the Examiner is interpreting the language associated with a golf course broadly which would include a golfer making a reservation on a computer system linked to a reservation hub, the computer physically at the golf course);

in response to the web page request, serving to the golf course computer via the communications network a tee time posting page comprising a list of future tee times at the respective golf course and tee time input interface for selecting tee times at said golf course that are to be posted to the tee times reservation hub (pages 1-28, page 1 - we take the hassles out of finding and making tee time reservations – many of our courses offer advance tee times, page 3 – with the demo you ill not be able to simultaneously inquire about tee time availability at multiple courses as you can in our main reservation area because the demo is connected to our sample golf course only); and

receiving from the golf course computer via the communication network, a posting input indicating which tee times in the list of future tee times at said golf course are to be posted to the tee time reservations hub (pages 1-28).

Referring to Claim 16:

Linkstime discloses a method wherein the step of serving the tee time posting page to the golf course computer includes serving a golf course tee sheet template page comprising a tee time template input interface displaying a representation of all potentially available tee times at said golf course (pages 1-28, especially pages 22); and

the step of receiving the posting input from the golf course computer includes receiving from the template input interface via the golf course web browser, a completed tee time form containing the selected tee times to be posted to the tee time reservations hub by the golf course (pages 1-28).

Referring to Claim 18:

Linkstimes discloses a method wherein the tee time posting page serving step comprises the step of determining and displaying to the golf course via the golf course computer which tee times in the list of future tee times have previously been posted to the reservations hub (pages 1-28).

Referring to Claim 20:

Linkstime discloses a method wherein the tee time posting page serving step comprises the step of serving a list of next-day tee times at the respective golf course (page 1 many of our member courses offer advance tee times, page 3 (if you want to choose a date in another month).

Referring to Claims 31 and 36:

Linkstime discloses a method and system for providing available golf tee times to prospective golfers, said method comprising the steps of: a server receiving a plurality of sets of available tee times submitted by multiple respective golf courses via a communications network;

the server storing the sets of available tee times for the multiple respective golf courses in

a database (pages 1-28 – page 2 (on the demo you will not be able to simultaneously inquire about tee time availability at multiple golf courses like you can in our main reservations area);

the server receiving from a golfer computer via the communications network a request to access sets of available tee times for the multiple golf courses (pages 1-28, page 2 (on the demo you will not be able to simultaneously inquire about tee time availability at multiple golf courses like you can in our main reservations area);

the server retrieving from the database the sets of available tee times at the multiple golf courses (pages 1-28, page 2 (on the demo you will not be able to simultaneously inquire about tee time availability at multiple golf courses like you can in our main reservations area);

the server generating a web page that is executable by the golfer computer to display on one screen the sets of available tee times at the multiple respective golf courses (page 22); and

the server transmitting the web page to the golfer computer via the communications network so that a prospective golfer can use the golfer computer to view said web page to select and reserve any of the displayed tee times (pages 1-28 – Linkstime was retrieved from the Internet Archive Wayback Machine).

Referring to Claims 41 and 46:

Linkstime discloses a method and system for providing available golf tee times to prospective golfers, said method comprising the steps of:

a server receiving from a golfer computer via a communications network a request to access available golf tee times associated with a plurality of golf courses ((pages 1-28, page 2

(on the demo you will not be able to simultaneously inquire about tee time availability at multiple golf courses like you can in our main reservations area);

a server retrieving from a database a set of available tee times for each of a plurality of golf courses ((pages 1-28, page 2 (on the demo you will not be able to simultaneously inquire about tee time availability at multiple golf courses like you can in our main reservations area);

the server generating a web page that is executable by the golfer computer to display on one screen the sets of available tee times at the plurality of respective golf courses (pages 1-28, page 3, user can simultaneously inquire about tee time availability at multiple golf courses, page 22); and

the server transmitting the web page to the golfer computer via the communications network so that a prospective golfer can use the golfer computer to view said web page to select and reserve any of the displayed tee times (page 1 – we take the hassles out of finding and making tee time reservations – at Linkstime you can check your favorites and book your time).

Referring to Claims 51 and 56:

Linkstime discloses a method of allowing a golf course to post available golf tee times, said method comprising the steps of:

a server receiving from a golf course computer via a communications network a request to receive a tee time posting web page (pages –19);

in response to said web page request, the server transmitting a tee time posting web page to the golf course computer via the communications network, the tee time posting web page comprising a list of future tee times and tee time input interface for enabling a user of the golf

course computer to select a set of available tee times at said golf course that are to be made

available to the server for online reservations by prospective golfers (pages 3-19);

the server receiving the selected set of available tee times from the golf course computer

of said golf course via the communications network (pages 1-28);

the server storing the selected set of available tee times at said golf course in a database

9pages 1-28).

Referring to Claims 32, 37, 42, 47, 52, 57:

Linkstime discloses a method and system wherein the communications network is the

Internet (pages 1-28).

Referring to Claims 34, 39, 44, 49, 54, 59:

Linkstime discloses a method and system wherein the tee times displayed on said web

page are next-day tee times at the respective golf courses (page 1 advance tee times (would

include next-day), page 8 (click on the radio button immediately below the desired date).

Referring to Claims 35, 40, 45, 50, 55, 60:

Linkstime discloses a method and system wherein each of said multiple golf courses is

located within a specific geographic region serviced by said server (pages 21-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 33, 38, 43, 48, 53, and 58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Linkstime in view of Mankes (US 6,477,503) (hereinafter referred to as

Mankes).

        Linkstime does not disclose a method and system wherein at least one of the multiple

golf courses submits a set of tee times representing less than all of the available tee times at the

respective golf course.

        However, Mankes discloses a method and system wherein at least one of the multiple

golf courses submits a set of tee times representing less than all of the available tee times at the

respective golf course (col. 2, line 56 thru col. col. 3, line 56, col. 6, lines 4-32).

        It would have been obvious to one of ordinary skill in the art to incorporate into the

disclosure of Linkstime the teachings of Mankes since it allows access to the event vendor's

inventory to anyone using an Internet based reservation system while the event vendor maintains

control of its inventory at the point of sale.

5.   Claims 15-16, 18, 20 and 31-35, 41-45, and 51-55 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the Declaration of Michael E. Last (hereinafter referred to the

Declaration) in view of Linkstime.

        Declaration discloses a method for posting available tee times by a golf course

comprising:

        a plurality of sets of available tee times submitted by multiple golf courses (paragraph 1

on page 2 of the declaration – helping a group of local golf courses book tee times, call

approximately a dozen course);

receiving a posting input indicating which tee times in the list of future tee times where to be made available (writing down on a sheet of paper on my clipboard the available tee times from each golf course)

receiving a request to access sets of available tee times for the multiple golf courses (I would open the LMTT phone lines to take calls from individuals who wanted to book tee times);

allowing the prospective golfer to select and reserve the tee times (at approximately 1AM each night, I would fax the reservation information obtained that day to the respective golf courses); and

wherein at least one of the multiple golf courses submits a set of tee times representing less than all of the available tee times at the respective golf course (each night a call was make to gather up approximately 2-5 available tee times from each golf course).

Declaration does not show automating the disclosed method to be performed on the Internet and automatically performing the steps of providing the available tee times and making the reservations over the Internet. However, Linkstime discloses making available tee times available over the Internet so that reservations can be made (pages 1-28)

It was know at the time of the invention that merely providing an automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art, *In re Venner,* 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the steps of providing the available tee times and making the reservations gives what one would expect from the manual step as shown in Declaration. In other works, there is no enhancement found in the claimed step other than the known advantage of increased speed and accessibility.

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to automate the steps of providing available tee times and making reservations because

this would speed up the reservation step which is a purely known and expected result from

automation of what is known in the art. Also, it would have been obvious to a person of

ordinary skill in the art at the time of the invention to transmit the available tee times to the

prospective golfer over the Internet and have the golfer send back over the Internet the

reservation because the advantage of communication over the Internet allows a golf course to do

business anywhere in the world that has access to the Internet.

Response to Arguments

Applicant's arguments filed August 27, 2004 have been fully considered but they are not

persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Tee Time Reservation System discloses making tee times available for WEB bookings.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
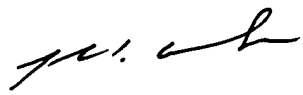
final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN G. WEISS
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JM